

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Allegations of evasion of Seigniorage Fee and Royalty by certain Contractors in Mancherial and Bellampally areas – Action against Sri N.Prabhakar Rao, former ADMG, Mancherial, Adilabad District (Retired) said to have been committed irregularities in issue of false MRCCs – Exoneration of charges and recovery of loss caused to Government, under rule 9 of APRPR, 1980 – Orders – Issued.

INDUSTRIES AND COMMERCE (VIGILANCE) DEPARTMENT

G.O.Rt.No.188

Dated:24.03.2012

Read the following:-

- Ref:1. Govt.Memo.No.21557/Vig/98-1, Dt.20.11.1998.
2. Govt.Memo.No.15192/Vig.A1/2001-14, Dt.29.07.2003.
3.D.O.Lr. No.104/M.COI.DR/2003, Dt.30.12.2003 of P-407 cf,
G.A (M.COI.DR) Dept.,
4.From DMG, Hyd., Lr.No.2632/E1/65, Dt.16.07.2008.
5. Govt.Memo.No.15192/Vig.A1/2001-24, Dt.19.07.2007.
6. Govt.Memo.No.15192/Vig.A1/2001-26, Dt.18.12.2007.
7. From DMG, Hyd., Proceedings No.2632/E1/65, Dt.21.04.2008.
8. From DMG,Hyd.,Lr.No.2632/E1/65,Dt.30.04.2009.
9. From DMG,Hyd.,Lr.No.2632/E1/65, Dt. 25.05.2010.

ORDER:-

Whereas , based on the V&E Report that certain contractors with the help of bogus MRCCs, issued by the staff of O/o ADMG, Mancherial, Adilabad District certain charges were framed among others, on Sri N.Prabhakara Rao, the then Assistant Director, Mines & Geology, Mancherial vide Govt.Memo.1st read above. On considering the Written Statement of Defence submitted by the AO, unsatisfied with the explanation of the A.O, Sri N.Prabhakara Rao, an enquiry was ordered by appointing Sri D.Ramaiah, Member, Commissioner of Inquiries, as Inquiring Authority U/R 20(2) of APCS (CC&A) Rules, 1991 to inquire into the allegations against Sri N.Prabhakara Rao, and others vide Govt. Memo. 2nd read above. The Inquiring Authority has furnished Enquiry Report vide his D.O.Lr. 3rd read above, according to which four charges out of 5 charges were proved against Sri N.Prabhakara Rao, the then Assistant Director of Mines & Geology, Mancherial. The A.O during the course of Disciplinary Proceedings has retired from service on 31-01-2003 on attaining the age of Superannuation.

2. Whereas, Government considering the Enquiry Report after following the procedure prescribed Under Rule 20 and Rule 21 of APCS (CC&A) Rules, 1991 has provisionally decided to impose penalties of withholding of 100% pension and entire gratuity, permanently U/R 9 of APRPR, 1980. Hence, a show cause notice was issued U/R 9 of APRPR to Sri N.Prabhakara Rao, the then Assistant Director of Mines & Geology, Mancherial, now retired to show cause as to why action should not be taken against him to impose the penalty of withholding of 100% pension and entire DCRG, punishment, as four charges out of five are held proved against him, with a request to submit his explanation, if any, vide Memo. 5th read above. Accordingly the A.O has furnished his explanation to the DMG, Hyderabad on 29.08.2007 and it was forwarded to Government on 19.06.2008 through the Lr. Dt.16.07.2008 of Director of Mines & Geology 4th read above.

3. Whereas, while the matter stood thus, the Director of Mines & Geology, in his Lr.Dt.30.04.2009 8th read above, has reported that, Smt N.Vijaya, W/o. (Late) N.Prabhakara Rao, Assistant Director of Mines & Geology (Retired) has submitted that her husband Sri N.Prabhakara Rao expired on 31.12.2008. She has submitted Death Certificate of Sri N.Prabhakara Rao to that effect,

(Contd...2)

which is issued by Warangal Municipal Corporation and requested for abatement criminal prosecution and departmental action against her demised husband.

4. Whereas, it was also reported by the Director of Mines & Geology, in his Lr.Dt.25.05.2010 in the reference 9th read above that M/s B.G.Shrike & Co. Ltd, has filed W.P.No.23263/04, M/s. B.G.Shrike & Co.Ltd., has approached the Hon'ble High Court, Andhra Pradesh, Hyderabad. The Hon'ble High Court has directed the petitioner company to pay the 50% awarded impugned orders in W.P.No.30514/04, dated.13.12.2004 and W.P.No.23263/04. The petitioner company has paid 50% of the amount vide Demand Draft No.336649, dt.20.01.2005 an amount of Rs.4,10,925/-. The said W.P.No.23263/04 is pending in the Hon'ble High Court. The balance amount payable by the company is Rs.4,10,925/- will be collected as per the out come of orders of the Hon'ble High Court.

5. Whereas, the matter has been examined in detail, and it was decided by Government to abate the further action against Late Sri N.Prabhakara Rao the then Assistant Director of Mines & Geology, Mancherial (Retired) and now expired U/R 9 (1) (7) of APRPR, 1980, and to release all pensionary benefits due to him, and to his family. It is also decided to recover U/R 9 (1) (7) (a) of APRPR, 1980, the other 50% of the loss occurred to Government in this case from Sri N.Prabhakara Rao as the 50% of loss was already ordered to be recovered from another A.O in this case, i.e., from Sri B.Prasad, the then Superintendent, Office of the Assistant Director of Mines & Geology, Mancherial, vide Proceedings of Director of Mines & Geology, 7th read above.

6. Government, therefore in exercise of powers, conferred U/R 9 of APRPR, 1980, hereby abate the further action against Late Sri N.Prabhakara Rao, the then Assistant Director of Mines & Geology, Mancherial, Adilabad District now retired and expired, and the Director of Mines & Geology, is directed to calculate the loss occurred to Government , and to recover the other 50% of it from the terminal benefits of Late Sri N.Prabhakara Rao as per Rule 9(1) (7) (a) of APRPR, 1980 and release the pensionary benefits to the legal heir as per eligibility and report compliance.

7. The Director of Mines & Geology, shall take immediate further necessary action in the matter.

8. The receipt of the G.O shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

- 1.The Director of Mines and Geology, Hyderabad.
- 2.Late Sri N.Prabhakara Rao, through the Director of Mines and Geology, Hyderabad.
Copy to:-
- 3.The Accountant General, A.P, Hyderabad.
- 4.The Distrct Treasury Officer, Adilabad.
- 5.The Secretary to AP Vigilance Commission, Hyderabad.
- 6.The Director General, Vigilance & Enforcement, Hyderabad. with reference to their U.O.Note.No.217/V&E-NR-2/98-5, Dt.12.10.1998.
- 7.The Director General, CID, Hyderabad.
8. SF/SC.

//FORWARDED BY: ORDER//

SECTION OFFICER